cities are Democratic, the Kennedy ticket will be very hard to beat. If the State is lost to President Kennedy, at least three or four incumbent Republican Members of the House of Representatives will be defeated. Hence a contest for the convention delegations would be a prelude to disaster.

Noting this reluctance of Ohio leaders to commit themselves to GOLDWATER, former Vice President Richard M. Nixon in a magazine interview recently said that the fear of a GOLDWATER candidacy in Ohio is because the State is opposed to a right-to-work law, and that while GOLDWATER is against a Federal right-to-work law, he does support such action in States.

This interpretation of the attitude of Ohio Republican leaders by Nixon is not correct. The right-to-work issue is not their motive at all. In 1958, when the Republicans lost the Ohio election, right-to-work was on the ballot and organized labor spent $4.5 million to defeat it. This time, if GOLDWATER runs for President, it would not be a serious issue there. The reason for withholding a commitment to GOLDWATER is as I have explained above.

But my information is positive that GOLDWATER is the preference of an overwhelming majority of Republicans in Ohio. The most powerful leaders in the party there favor GOLDWATER, and when the showdown comes next summer the Ohio delegation will in all probability be for him.

Above all, Ohio people want no interference in their political affairs, from New York or any other State. They have done very well by themselves and for the Republican party in the past.

[From the New York Daily News, Dec. 3, 1963]

TAFT-HARTLEY WINS AGAIN

Florida, like 19 other States, has a right-to-work law—a statute forbidding agreements that workers must belong to labor unions in order to keep their jobs.

Unions in such States often try to get around these laws via so-called agency shop agreements, under which nonunion employees must pay the union the amount of money it charges its members as dues.

Florida's right-to-work law bans agency shop agreements; and the Taft-Hartley Labor Relations Act permits the States to have right-to-work laws.

Yesterday, the U.S. Supreme Court ruled that the Florida courts may enforce the prohibition against agency shops, and that the National Labor Relations Board does not have jurisdiction over such cases.

This is a considerable victory for States rights, whether you approve or disapprove right-to-work laws; and we're glad to note that the Supreme Court hasn't entirely forgotten that the States do have some rights.

Cuba file

OUR POLICY TOWARD CUBA

Mr. STENNIS. Mr. President, those of us who believe that Castro's Cuba presents this Nation today with its most immediate and important international problem were encouraged and gratified to learn that President Johnson has ordered a review and reevaluation of our policy toward the tragic and unhappy Cuban situation. I sincerely hope this review will result in a hard, firm, and determined policy which will oust this Communist menace from the Western Hemisphere and will assure the freedom-loving people of Cuba their God-given right of self-determination.

It will be recalled that the Preparedness Investigating Subcommittee, of which I am privileged to be chairman, earlier this year conducted an extensive inquiry into the Cuban situation. In a report which we issued on May 9, it was stated that the "entire Cuban problem, both military and political, should be accorded the highest possible priority by our governmental officials to the end that the evil threat which the Soviet occupation of Cuba represents will be eliminated at an early date."

The same report, in enumerating the threats and potential threats which the Soviet presence in Cuba presented to the Americas, listed the first as follows:

Cuba is an advanced base for subversive, revolutionary and agitational activities in the Western Hemisphere and affords the opportunity to export agents, funds, arms, ammunition, and propaganda throughout Latin America.

In discussing that report on the floor of the Senate, I said:

The invasion of the Western Hemisphere by the forces of godless communism is the gravest and most serious of all the challenges and threats confronting the United States.

I went on to say that one conclusion was certain, and that was that Fidel Castro—aided, support, and bolstered by his Soviet masters and their military might—is in every way possible spurring, supporting, and abetting the efforts of the Communists and other revolutionary elements to subvert, overthrow, and seize control of the governments of Latin America.

While the accuracy and validity of these statements were really beyond challenge at the time when they were made, any lingering doubt that may have existed as to their truth has certainly been laid to rest by recent events in Venezuela and elsewhere in Latin America. It is now clear beyond all question that—by covert aggression, infiltration, guerrilla warfare, and agitation—Castro, with Soviet support, is mounting a coordinated and stepped-up effort to subvert and overthrow existing governments in this hemisphere and to replace them with dictatorial regimes modeled in the Soviet image.

It takes only a casual glance about to convince us that, with respect to subversive, revolutionary, and agitational activities stemming from Cuba, the situation in Latin America has worsened, rather than improved, since the subcommittee issued its report.

During November, the pro-Castro terrorists in Venezuela raised their campaign of violence to a fever pitch in their unsuccessful attempt to sabotage the December 1 election. This campaign included numerous attacks on United States-owned properties; the kidnaping of Col. James K. Chenault, deputy chief of the U.S. Army mission; and the sending of packaged bombs to the chief presidential candidates and a U.S. Embassy official. On November 28, a 3-ton cache of terrorist arms, valued at about $350,000, was found on a Venezuelan beach. Incontrovertible evidence has established that these arms were of Cuban origin.

On Saturday of last week, we all read that the Communist in Bolivia had captured, and were holding as hostages, three U.S. officials and a Peace Corps volunteer. These American nationals have not yet been released.

It is unnecessary for me to recite additional instances. The occurrences in Venezuela and elsewhere make it very clear that our Latin American neighbors face an unrelenting Communist-inspired campaign of organized terror. Under these circumstances, a mild reaction from us will be of little avail. Mere words will be worse than useless. Positive action is required, to halt this violence and subversion. This can best be done by choking it off at its source—Castro's Cuba.

For all of these reasons, Mr. President, I applaud and endorse President Johnson's action in directing that our policy toward Cuba be reviewed. I hope this review will result in an effective and vigorous policy to rid this hemisphere of the menace of communism. We have given repeated pledges to our neighbors to the south that they will be protected against overt or covert aggression and armed intervention from Cuba. Now is the time to honor and redeem these pledges.

I believe, Mr. President, that President Johnson now has an opportunity to strike a decisive blow for liberty and representative government in the Americas. The action of the Organization of American States on December 3 in voting to conduct an investigation of Venezuela's charges perhaps opens the door for the first time for collective action against Castro.

As I have said, there is now hard and incontrovertible evidence of Castro's involvement in the revolutionary activities in Venezuela. This and other evidence would more than justify strong and drastic action against Castro by the Organization of American States.

The ACTING PRESIDENT pro tempore. Under the morning hour limitation, the time available to the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I hope the full weight of the United States will be marshaled in support of Venezuela in the OAS, and that the Organization, acting under the various treaties which are involved, will take vigorous and prompt action to secure and insure the peace of this hemisphere. If economic and diplomatic sanctions are adequate for this purpose, then well and good. If they are not, then harder and sterner measures must be applied.

I support the principle of collective action; but, whether we act collectively or are forced to go it alone or almost alone, the President will have my complete and wholehearted support in any positive, determined, and resolute action which he may take to face up to the cold, hard, and unpleasant facts and to make clear that we will not countenance, either in Cuba or elsewhere in the Americas, the creation or use of any externally supported military capability which endangers our security or that of the Western Hemisphere.

the importation of livestock and meat. In addition, Congress should enact remedial legislation. I have a bill designed to curb these imports.

I urge immediate and favorable consideration of the bill I have introduced, S. 1126. I introduced it on March 19, 1963. This bill would place an additional duty or tariff of 25 percent ad valorem upon imports of livestock, meat, and meat products that are in excess of the 1957 level.

This is a reasonable proposal. We are not suggesting that all trade be shut off. Imports were sufficient in 1957; but since that time the imports have gone up and up and up. The situation has become grave, and demands immediate attention.

The economic effects of unreasonable importations of livestock, meat, and meat products are having their impact upon farmers in every State of the Union. They are not only causing farmers to suffer losses; they are also stifling the economy of every agricultural community and every city and town which depends upon agriculture for any part of its business life. Most of them in my part of the country depend upon agriculture very heavily, some of them almost entirely. Action by the U.S. Government to curb these excessive imports would be of great assistance to the farmers of America, to whom we all look to provide the very stuff of life itself.

When those producers of food and fiber suffer, we all suffer in one way or another. In the industrial sections of the Nation, the farmers' economic pinch also can be sensed when we realize that those farmers are foregoing purchases of trucks and machinery used on the farms. They simply cannot afford to replace wornout machines or invest in additional equipment when they know they are going to lose money on their production. This contributes to unemployment in the industrial centers, and does nothing to relieve the problems in the so-called economically depressed areas. It may be noted in passing that not all of the economic depression exists in the urban sections; we have such experiences in the rural sections of the country, too, and excessive meat imports are one of the reasons.

I urge the Congress to act without further delay.

STATE RIGHT-TO-WORK LAWS

Mr. CURTIS. Mr. President, the Supreme Court has made a ruling concerning the State right-to-work laws. Regardless of whether we agree or disagree with right-to-work laws, this decision must be regarded as of great importance, because it declares that the States have a right to act in this area; it validates State right-to-work laws.

I wish to have printed in the RECORD, in connection with my remarks, an editorial on this decision, from the Arizona Republic, of Phoenix, Ariz., dated September 20, 1963; also an editorial from the New York Daily News of December 3, 1963.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Sept. 20, 1963]

PROFITABLE FREEDOM

One of the false arguments against freedom of choice for the wage earner, as exemplified in right-to-work laws now in force in 20 States, long has been that such freedom undermines the wage structure to the extent that the worker, unprotected by enforced union membership, invariably winds up making less money than if he paid for his job by paying union dues.

This is a fallacy long maintained by professional unionists and those of their ideological ilk who fight right-to-work legislation of any variety in a determined effort to give the worker no choice whatsoever between unemployment and subjection to membership or whatever else the union in his place of employment demands. That it is a fallacy has been demonstrated time and again in those States where right-to-work laws make it possible for freedom of choice to coexist peacefully right alongside strongly organized unions. The current issue of U.S. News & World Report for instance, shows how the Nation's job and wage pattern is shifting in a way to confound arguments advanced by those who see nothing but ruination in States where workers have freedom of choice.

Industrially new Arizona, for one, offers an example in proof. For Arizona, one of the first right-to-work States, last year enjoyed an average hourly wage scale of $2.57, exactly 37 cents an hour more than neighboring New Mexico, a non-right-to-work State that has flourished more or less comparatively with Arizona in recent years. Arizona's average hourly wage is 33 cents more than that in Massachusetts, one of those "high-pay" Eastern States which always has fought right-to-work. And in Arizona, factory employment has grown 86.3 percent in 10 years as compared to Massachusetts 6.5-percent loss in such employment.

Take, for instance, Texas and Oklahoma, two States that in oil and agriculture are somewhat alike, and there you find right-to-work Texas with a $2.32 average wage scale as compared to $2.19 for Oklahoma. Or, while in the West take relatively undeveloped Utah which, despite the alleged handicaps of right-to-work freedoms, still pays 5 cents an hour more than neighboring Colorado.

Consider how industrial doom and starvation for the worker was predicted in Indiana in 1957 when right-to-work legislation was passed. But 5 years later, the average hourly wage was $2.65, a matter of 24 cents an hour above industrial Pennsylvania, and 41 cents above Massachusetts, the State that so fears right-to-work because it will bring down wages. Indiana ranks, too, a matter of 5 cents an hour above neighboring Illinois, generally considered more prosperous.

And so it goes down the line. Nevada, long a right-to-work stronghold, last year paid an average hourly wage of $3.02, the highest of any State in the Union. Kansas, with a right-to-work legislation in force 4 years, paid $2.52, while over the line in Missouri, where workers join unions or else, the average was $2.38.

Those who oppose right-to-work point always to that solid bloc of Southeastern States as the horrible example of an underpaid area to which northern industry has fled. But right-to-work is credited by most authorities with bringing the Carolinas and all the Southeast to a promising new industrial life. True, the average hourly wage there is well below that of most other States as it always has been in that area. But it gets higher every year as industry competes for labor in what was once a workers' wasteland.

All in all it adds up thusly: The 20 right-to-work States by 1962 had an overall average hourly wage increase of slightly more than 3 percent above the overall average for the other 28 States (figures for Alaska and Hawaii are not available) without right-to-work legislation. So, does it look as though the workers in those 20 States are being ground into poverty by ogrelike management because they are not forced one way or another into union allegiance in order to hold their jobs? Indeed, it looks as though those who predict fiscal calamity for both labor and industry in the right-to-work States had better rerun their figures.

It all goes to prove, if you want to be down to earth about it, that freedom in the long run can profit the pocketbook as much as the mind.

[From the New York Herald Tribune, Oct. 20, 1963]

RAYMOND MOLEY REPORTS

The most unusual, not to say incredible, phenomenon in American politics in more than one generation is the widespread demand this far before the Republican convention that Senator BARRY GOLDWATER be chosen as the Republican nominee in 1964.

When there is an incumbent President eligible for another term, the choice is foreordained. But in the party out of power many circumstances have determined the choice other than popular demand for a single individual. Some have been nominated because their managers effectively solicited the pledges of delegates. Some have been selected because of deadlocks. Others have been compromises when parties have been divided. But the demand for GOLDWATER has come from the general public sentiment that there should be an authentic alternative to President Kennedy and that the Arizona Senator represents that sort of opposition.

There are some GOLDWATER supporters who are deeply concerned because in some States the Republican organizations seem unwilling to commit themselves this early. Certain individuals in New York, who helped to create a conservative party in 1962 as a protest against the reelection of Governor Rockefeller and Senator JAVITS, have been talking about pushing into Ohio and, despite the responsible Republican organization there, capturing its delegation for GOLDWATER.

In Ohio there is some talk about offering its Republican Governor, James A. Rhodes, as a favorite-son candidate. But there is no such plan now in the minds of Ohio's responsible Republican leaders.

The reasons for the reluctance of Republican leaders in Ohio to commit themselves lie in certain very practical political considerations which amateur enthusiasts in other States should, in their own interest, heed and respect.

I use Ohio to illustrate the practical facts because my information about the situation there comes from unimpeachable sources. Ohio has probably the most efficient State Republican organization in the entire Nation. Ray C. Bliss, chairman of the State central committee, is largely responsible for that organization. In 1960, Ohio gave the Nixon-Lodge ticket the largest majority which it received anywhere. In 1962, the Republicans swept the State, electing the Governor, a majority of the State legislature, and 18 of the State's 24 Members of the House of Representatives. This efficient organization is prepared to win the State for the Republican ticket in 1964. But it wants no preconvention contest.

Its reason for this is that if GOLDWATER is entered in the primary, there may be other contestants, perhaps Gov. Nelson Rockefeller. This would involve an intraparty fight. Such a fight would consume mony and resources badly needed to win in the election itself. It would also engender differences within the party. Since Cleveland and some other

COMMUNITY ACTION BY AMERICAN LEGION IN HEMPSTEAD

Mr. KEATING. Mr. President, some time ago, I inserted in the RECORD an inspiring story about the generosity of Long Island labor unions. Construction workers in and around Hempstead, N.Y., had offered their time and their energies to build a cancer research center and a cerebral palsy clinic.

It has just come to my attention that another organization whose work for the welfare of the community is well known—the American Legion—has made a generous contribution to the very same cerebral palsy patients now using the new clinic. For 3 years before the new building was erected, the Hempstead Post No. 390 of the Legion provided the facilities for the care and treatment of cerebral palsy victims. They built a new wing on their $250,000 clubhouse and turned it over to the Cerebral Palsy Society rent free for 3 years while the new home was being built. The Legionnaires even paid for the gas and electricity used. At their own expense they built a ramp so that children could be moved with greater ease, and they paid the exenses of round-trip transportation for a stricken patient from Hempstead to the new clinic at Roosevelt.

It is indeed edifying to see so many citizens of this area giving of their time, energies, and resources with their only reward—as one Legionnaire put it—"the smile of some child we were helping." This is the kind of community spirit that built America. I am proud that American Legion Post No. 390 is in my State.

NEW YORK FALLS TO FOURTH PLACE IN DEFENSE WORK

Mr. KEATING. Mr. President, the latest figures released by the Department of Defense reveal that New York's share of defense procurement is declining with every quarter of the fiscal year. For the first quarter of 1964; that is the period from July to September 1963, New York has dropped from second to fourth place. That is a drop of 17 percent from the same time last year.

The top 10 States and the percentage of total defense dollars they received from July through September 1963 are:

California: $1,346 million—21.1 percent.
Washington: $693 million—10.9 percent.
Missouri: $497 million—7.8 percent.
New York: $416 million—6.5 percent.
Texas: $352 million—5.5 percent.
Ohio: $331 million—5.2 percent.
Florida: $306 million—4.8 percent.
Connecticut: $285 million—4.5 percent.
Massachusetts: $187 million—2.9 percent.
Virginia: $164 million—2.6 percent.

Never before in my memory has New York received a smaller share of defense work. Last year, for the same quarter, New York received 7.8 percent as against 6.5 percent now. For the whole fiscal year 1963 New York received 9.9 percent. This compares with 10.7 percent in fiscal 1962 and 12 percent in fiscal 1961.

Moreover, this quarter that I refer to shows a larger dollar volume of procurement than any other quarter since 1951. The month of September alone set a monthly record. Thus even though we can expect this figure to increase and average out somewhat higher in future months, the outlook is not good.

What is more, statistics released by the Defense Department show that the concentration of defense work each year goes more and more to large firms. Small firms, those technically defined as small businesses, are more numerous in New York than in any other State. Yet small businesses throughout the country also received a declining share of defense work—only 27.8 percent so far this year, as compared with 34.5 percent for the first quarter of last fiscal year. And only 15.8 percent of prime contracts compared with 17.8 percent for the same period last year.

The explanation given by the Defense Department for these figures is that many of these contracts, awarded early in the fiscal year, went to airframe, engine, missile, and space systems producers. These are fields in which the Defense Department claims that small business has only limited possibilities. But that explanation is not satisfactory because many of us believe that small firms should have a larger and more direct part in this work; in many instances, this belief is supported by the independent reporting of the Comptroller General.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 2 additional minutes.

Mr. KEATING. Mr. President, we have recently heard a lot of talk about cutting defense costs, "paring military expenses to the bone," as it has been put. Yet it is interesting to observe that the massive trend for closing down installations—a good many of which seem to be in New York—and centralizing operations is not having that effect at all of saving money. A report just issued by the General Accounting Office has pointed out a good many economies can be realized through decentralization, through letting each facility buy the simple common equipment like nuts and bolts that it needs, instead of operating through centralized procurement centers. This is the exact opposite of the present trend.

Incidentally, I was pleased to note that the smallest of these supply costs were accrued at the Rome Air Materiel Area in Rome, N.Y., which is responsible for procuring electronic parts. Also Roama had the lowest average annual management cost per supply item of any procurement center studied.

In short, it seems to me that the type of centralization which is taking place more and more in defense work is of dubious value. It does not always produce the desired economies, as the Comptroller General has ably pointed out. It puts small business at a serious disadvantage. And it gives rise again and again to questions of political influence, that, whether proven or not—and I am not making any such charge—but nevertheless questions arise that are damaging to the morale of all concerned.

In my view, Mr. President, the real source of economy, the real place to start in cutting defense costs is not by setting up new monopolistic centers that concentrate on negotiated procurements with large firms, but rather by increasing the overall competition for defense dollars. The last available figures still show that only about 13 percent of defense work is freely and openly bid on. Although many contracts are negotiated with more than one firm, about one half of the dollar amount is completely noncompetitive. Report after report from the General Accounting Office has called for more competition. That is the direction for genuine savings, as well as fair treatment for all States and businesses.

BAY KOW JUNG

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 685, House bill 1273.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1273) for the relief of Bay Kow Jung.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

REINSTATEMENT AND VALIDATION OF CERTAIN U.S. OIL AND GAS LEASE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 731, House bill 1233.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1233) to provide for the reinstatement and validation of U.S. oil and gas lease No. Sacramento 037552–C, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 751), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of H.R. 1233, which was sponsored by the Honorable B. F. SISK, representing the 17th California District, is to do equity to a private citizen who in reliance upon erroneous information from Federal officials, invested his money, time, and effort in developing a Federal oil lease which had in fact been previously terminated by operation of law. Specifically, the measure reinstates U.S. oil and gas lease Sacramento 037552–C, extends the time thereof for 2 years from the date of enactment of the bill and for so long thereafter as oil or gas is produced in paying quantities, and directs the Secretary of the Interior to approve the assignment of the lease subject to statutory requirements for qualification of the assignee. The assignee would be required to pay accrued rental and post proper drilling bond in the amount required by regulations.

NEED

Oil and gas lease Sacramento 037552–C covering a tract of Federal public lands in the vicinity of Fresno, Calif., was issued effective May 1, 1948, for 5 years, after which it was extended for 5 years to April 30, 1958, and so long thereafter as oil or gas is produced in paying quantities.

There were some intervening partial assignments after which on April 30, 1958, a commercial oil well was completed in one area. As a result of a misunderstanding of a recent amendment to the Mineral Leasing Act local representatives of the Department of the Interior held incorrectly that oil and gas lease Sacramento 037552–C was considered to be extended for 2 years from April 30, 1958, instead of the period indicated above; i.e., for the duration of the production of oil or gas in paying quantities.

On April 7, 1960, the lease was assigned to James P. Psaltis who filed it with a request for approval of the assignment. In the meantime, Mr. Psaltis initiated drilling operations and expended in excess of $7,000. He continued these drilling operations until May 9, 1960, when he was informed by the Geological Survey that the lease had expired because production had actually ceased in July 1959, and reworking or further operations had not been started again within 60 days of cessation of production as required by the Mineral Leasing Act (30 U.S.C. 226(f)).

Mr. Psaltis claimed, and during committee hearings in the House the Department verified, that he had been informed by employees of the Geological Survey at Taft, Calif., and employees of the Bureau of Land Management at Sacramento, Calif., that the termination date of oil and gas lease Sacramento 037552–C was April 30, 1960. Relying on this, he believed that when he obtained an assignment of the lease, on April 7, 1960, he was obtaining the assignment of a valid, existing lease. Nonetheless, in view of the statutory provisions cited above, the Secretary of the Interior is without authority to recognize the assignment because the lease had terminated prior thereto.

Inasmuch as Mr. Psaltis in good faith obtained an assignment and expended considerable money in drilling operations, the committee is of the opinion that oil and gas lease Sacramento 037552–C should be reinstated and Mr. Psaltis' assignment recognized if he qualifies to hold a lease under the provisions of the Mineral Leasing Act.

Enactment of H.R. 1233 will authorize reinstatement and validation of said oil and gas lease and permit the Secretary of the Interior to process the assignment in accordance with existing laws and regulations.

COSTS

No appropriations are authorized nor contemplated by H.R. 1233.

Mr. MANSFIELD. I ask unanimous consent that in these instances and in other instances which may develop today, I may, at an appropriate point in the RECORD, insert reports and other reasons justifying the various legislative proposals.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. ERVIN. Mr. President, the fall 1963 issue of the North Carolina Law Review carries a symposium entitled "Civil Rights and the South." Included in this symposium is an article written by me, entitled "The U.S. Congress and Civil Rights Legislation."

While this article analyzes the specific provisions of S. 1731, which was introduced in the Senate on June 19, 1963, it contains many observations which are relevant to the provisions of H.R. 7152, which was reported to the House by the House Committee on the Judiciary on November 20, 1963, and which is now pending before the House Committee on Rules. As indicated by my article, S. 1731, H.R. 7152, and all other so-called civil rights bills of modern vintage are subject to the following objections:

First. They are wholly unnecessary for the very simple reason that sections 241, 242, and 371 of title 18 of the United States Code and sections 1983 and 1985 of title 42 of the United States Code are sufficient to secure to all Americans of all races every right given them by the Constitution and laws of the United States.

Second. Many of their provisions are incompatible with specific provisions of the Constitution, such as article I, section 2, article II, section 1, and the 17th amendment, vesting in the legislatures of the several States the power to prescribe the qualifications for voters; article I, section 1, vesting in Congress all the legislative powers of the Federal Government; the 5th amendment prohibiting the Federal Government from depriving any person of life, liberty, or property without due process of law; and the 14th amendment restricting the power of Congress to legislate in respect to State action only in the particulars enumerated.

Third. Virtually all of their provisions are incompatible with the Federal system of government established by the Constitution. As the Supreme Court so well declared in Texas against White, the Constitution in all its provisions "looks to an indestructible Union composed of indestructible States."

Fourth. Many of their provisions are inconsistent with the fundamental principle of justice which decrees that all laws should apply in like manner to all men in like circumstances.

Fifth. Many of their provisions vest uncontrolled and uncontrollable discretionary power in Federal officials and, for that reason, are irreconcilable with the principle that we have a government of laws rather than a government of men.

Sixth. Many of their provisions undertake to rob all Americans of basic economic, legal, personal, and property rights for the supposed benefit of only one segment of our population and, for that reason, conflict with the principle that all men are entitled to stand equal before the law.

Seventh. They attempt to solve, by the coercive power of Federal law, problems which can only be solved in a satisfactory manner by cooperation, good will, and tolerance on the part of the people in local communities.

Eighth. They are based upon the fallacy that men can achieve economic and social satisfaction by the coercive power of law rather than by their personal exertions.

When all is said, those of us who oppose civil rights proposals of this nature are seeking to preserve the system of government ordained by the Constitution, and the basic economic, legal, personal, and property rights of individuals for the benefit of all Americans of all races and all generations. As one of the greatest students of American government, Woodrow Wilson, declared:

> The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

Since my article in the fall 1963 issue of the North Carolina Law Review points out some of the defects in the pending civil rights proposals, I ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.S. CONGRESS AND CIVIL RIGHTS LEGISLATION

(By SAM J. ERVIN, JR.)

Recent years have seen a spate of legislation proposed and enacted allegedly designed to protect the civil rights of American citizens. In the next few pages, I should like to analyze some of the attitudes and philosophies behind this legislation, and to show why I consider them constitutionally defective.

I

At the very beginning I must declare my opposition to those who hold that a Senator should pay little heed to constitutional questions; instead, seems the attitude, a Senator should concern himself only with policy, relying on the Supreme Court to supply the judgment as to the constitutionality or unconstitutionality of the legislation. There are several answers to such an argument.

First, I as a Senator take my oath of office by swearing fealty to the Constitution of the United States. Just as Chief Justice John Marshall found the source of judicial review in this oath taken by him, so can a Senator honestly repeat the always timely message that it is the Constitution he is expounding. Moreover, the Supreme Court gives a presumption of constitutionality to any law passed by the Congress. Especially, since 1938 this is true of legislation passed under the commerce clause, a clause now being discovered allegedly to have application to the racial problem. For a Senator to deny himself the responsibility of consideration of the constitutionality of legislation would be to deny the very premise of constitutional presumption—that the Court can presume constitutionality because the Congress itself has fully considered the constitutional issues involved.

Moreover, even if one admits that certain proposals would be constitutional in the nar-